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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/224,219	12/30/1998	S. VINCENT BIRLESON	45981-P016US	3976

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/224,219	BIRLESON, S. VINCENT	
	Examiner	Art Unit	
	Tilahun B. Gesessse	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-13,15-22,24-27 and 29-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6,8 and 32-53 is/are allowed.
- 6) ☐ Claim(s) 9,10,12,13,15,17-19,21,22,24,26,27 and 29 is/are rejected.
- 7) ☒ Claim(s) 11,16,20,25,30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-10,12-13,15,17-19,21-22,24,26-27,29 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmes (US 5,262,769).

Claim 9, Holmes teaches a method of operating a tuner (see abstract), the method comprising the steps of determining optimal tuner power consumption from knowledge of the signals being processed by the tuner).

Holmes teaches adjusting the tuner power consumption in accordance with said determining step (column 4, line 48-column 5 line 5 and figure 1, column 6, lines 17-30),

Holmes teaches said adjusting step includes the step of adjusting power consumption of certain tuner components within said tuner to achieve a desired intercept point for each component of said certain tuner components (column 6, line 31-column 7, line 21 and column 1, line 63-column 2, lines 10).

Claim 10. Holmes teaches taking signal measurements of the signal being processed by the tuner (abstract).

Claim 13, Holmes teaches said signal measurement step determining total power across all channels (column 6, line 31-column 7, line 21).

Claim 12, Holmes teaches receiving information from an external source (from broadcast station , and perform to minimize power consumption column 6, line 31-column 7, line 21).

Claim 15 Holmes teaches adjusting power consumption of certain components within said tuner includes the step of: controlling current levels of said certain tuner components (column 6, lines 17-30).

Claim 17, Holmes teaches said adjusting step includes the step of: adjusting the number of components that are active at any particular time (column 6, lines 17-30)..

Claim 18, Holmes teaches A tuner (pager 11) comprising:

Holmes teaches a circuit for determining acceptable tuner power consumption from knowledge of the signals being processed by the tuner, and at least one circuit for adjusting the tuner power consumption in accordance with said determining circuit,(column 6,lines 17-column 7, lines 21) wherein said adjusting circuit adjusts the power consumption of certain tuner components within said tuner (column 6, lines 17-column 7, line 21 and figure 1, column 1, line 63-column 2, lines 10).

Claim 19. Holmes teaches determining circuit includes a circuit for taking signal measurements of the signal being processed by the tuner(column 6, lines 17-column 7, line 21 and figure 1).

Claim 21 Holmes teaches determining circuit includes a circuit for reviewing information from an external source(column 6, lines 17-column 7, line 21 and figure 1).

Claim 22. Holmes teaches said determining circuit includes a circuit for monitoring the RF input and the inband receive signal strength (abstract and figure 1).

Claim 24 Holmes teaches said adjusting circuit adjusts the current levels of said certain tuner components within said tuner. (column 6, lines 17-column 7, line 21 and figure 1).

Claim 26. Holmes teaches a tuner comprising: circuitry for determining desired power consumption of certain tuner components from knowledge of the signals being processed by the timer(column 6, lines 17-column 7, line 21 and figure 1) and circuitry operable in cooperation with said determining circuitry for adjusting the power consumption of said certain tuner components to achieve a desired component intercept point (column 1, line 63-column 2, lines 10).

Claim 27, Holmes teaches said determining circuit includes circuitry for taking signal measurements of the signal being processed by the tuner (column 6, lines 17-column 7, line 21 and figure 1).

Claim 29. Holmes teaches the adjusting circuitry controls current levels of said certain components (column 6, lines 17-column 7, line 21 and figure 1).

Allowable Subject Matter

3. Claims 11,16,20,25 and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-,3-6,8, 32-53 are allowed over the prior art .The following is an examiner's statement of reasons for allowance: the prior art does not teach see applicant's argument dated June 24, 2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments with respect to claims 9- have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/31/06
Tilahun Geesse
TILAHUN GESESSE
PRIMARY EXAMINER